

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DALE KNAPINSKI,

Defendant.

CASE NO. CR19-0239-JCC

ORDER

This matter comes before the Court on Defendant's ("Mr. Knapinski") motion for early termination of supervised release (Dkt. No. 60) and related motion to seal certain exhibits (Dkt. No. 61). Having thoroughly considered the parties' briefing and the relevant record, the Court DENIES the motion for early termination (Dkt. No. 60) and GRANTS the motion to seal (Dkt. No. 61) for the reasons explained herein.

I. BACKGROUND

In early 2021, Mr. Knapinski pled guilty to possession of child pornography under 18 U.S.C. § 2252(a)(4)(B), (b)(2). (*See* Dkt. Nos. 29, 31.) Using the United States Sentencing Guidelines Manual, Probation calculated the final sentencing range for Mr. Knapinski's offense to be a term of 37 to 46 months. (*See* Dkt. No. 37 at 1.) Nevertheless, Probation recommended a

1 sentence of 12 months and one day, followed by 10 years of supervised release.¹ (*See id.*) The
2 Court agreed, sentencing Mr. Knapinski to one year and one day of imprisonment and 10 years
3 of supervision upon release. (*See* Dkt. No. 46 at 2–3.) Supervised release commenced in April
4 2022. (*See* Dkt. No. 62 at 2.)

5 Mr. Knapinski now seeks early termination or, in the alternative, a reduction in the term
6 of supervised release to five years and removal of all special conditions. (*See* Dkt. No. 60 at 1.)
7 Probation and the Government oppose each request. (*See generally* Dkt. Nos. 71, 72.)

8 **II. DISCUSSION**

9 **A. Motion for Early Termination**

10 The Court may terminate a defendant’s period of supervised release any time after one
11 year of supervision “if it is satisfied that such action is warranted by the conduct of the defendant
12 released and the interest of justice.” 18 U.S.C. § 3583(e)(1). In deciding whether early
13 termination is appropriate, the Court must consider several factors, including the nature and
14 circumstances of the offense, the history and characteristics of the defendant, the need to deter
15 criminal conduct, the need to protect the public from further crimes, the kind of sentence and
16 sentencing range established by the Sentencing Commission, and the need to avoid disparity
17 among similarly situated defendants. 18 U.S.C. § 3583(e) (citing to factors listed by 18 U.S.C.
18 § 3553(a)); *see also United States v. Emmett*, 749 F.3d 817, 820 (9th Cir. 2014). Notably, a
19 defendant is not required to demonstrate “undue hardship,” *id.* at 819, or “exceptional behavior,”
20 *United States v. Ponce*, 22 F.4th 1045, 1047 (9th Cir. 2022). However, “[m]ere compliance with
21 the terms of supervised release is what is expected, and without more, is insufficient to justify
22 early termination.” *United States v. Grossi*, 2011 WL 704364, slip op. at 2 (N.D. Cal. 2011).

25 ¹ Of note, Mr. Knapinski’s offense requires a minimum five-year term of supervised release. *See*
26 18 U.S.C. § 3583(k) (requiring a minimum five-year term of supervised release for any offense
under 18 U.S.C. § 2252).

1 As a threshold matter, the Court cannot terminate supervision at this time because the
2 relevant statute requires a minimum five-year term of supervised release for Mr. Knapinski's
3 offense, and Mr. Knapinski has served less than two and a half years to date. *See* 18 U.S.C.
4 § 3583(k); (*see also* Dkt. No. 62 at 2) (noting that supervision commenced in April 2022). The
5 Court also cannot reduce the term of Mr. Knapinski's supervision because the statute does not
6 confer such authority upon district courts. *See* 18 U.S.C. § 3583(e)(1)–(3) (allowing a district
7 court to terminate, extend, or revoke—but not reduce—a term of supervised release).

8 Even if the Court did have authority to terminate Mr. Knapinski's supervision, it would
9 still find, after careful consideration of all 18 U.S.C. § 3583(e) factors, that early termination is
10 not warranted. For the same reasons, the Court also declines to remove all special conditions to
11 Mr. Knapinski's supervised release. To be sure, the Court is aware of the mitigating factors in
12 Mr. Knapinski's history and characteristics. (*See* Dkt. No. 36 at 7–10.) But this is not new
13 information—the Court considered it in imposing the sentence now at issue. (*See id.*) The Court
14 also commends Mr. Knapinski for his complete compliance while on supervision, (*see* Dkt. No.
15 71 at 2), and further acknowledges the hardship that supervised release places on Mr. Knapinski
16 and his loved ones, (*see* Dkt. Nos. 68, 69). Nevertheless, complete compliance is to be expected.
17 *See Grossi*, 2011 WL 704364, slip op. at 2. It does not neutralize the serious nature and
18 circumstances of the offense, the need to deter criminal conduct and protect the public from
19 further crimes, the relevant guideline sentencing range for the offense and the sentence the Court
20 ultimately imposed, and the need to avoid disparity among similarly situated defendants—all of
21 which weigh against Mr. Knapinski's request for leniency. *See* 18 U.S.C. § 3553(a).

22 Indeed, in pleading guilty to possession of child pornography, Mr. Knapinski admitted to
23 possession of approximately 280 images or videos of minors engaged in sexually explicit
24 conduct—including visual depictions of prepubescent minors who had not yet attained 12 years
25 of age. (*See* Dkt. No. 29 at 6–7.) This offense carries with it a maximum term of up to 20 years'
26 imprisonment. (*See* Dkt. No. 29 at 2.) Moreover, while it requires a minimum five-year term of

1 supervised release, *see* 18 U.S.C. § 3583(k), it also allows a Court to impose up to a lifetime
 2 term, (*see* Dkt. No. 29 at 2). Here, the Court only sentenced Mr. Knapinski to imprisonment for
 3 one year and one day, followed by a 10-year term of supervised release. (*See* Dkt. No. 46 at 2–
 4 3.) In other words, the Court’s custodial sentence was already a significant downward departure
 5 from the guideline range of 37 to 46 months (that is, three to four years).² (*See id.*) In turn, the
 6 Court’s imposition of a 10-year period of supervised release, while still lenient, was intended to
 7 provide the requisite deterrence for the offense.

8 Further leniency would contravene the deterrence value of the Court’s overall sentence—
 9 both for Mr. Knapinski and for offenders writ large. Furthermore, because Mr. Knapinski is still
 10 at a low to moderate risk to reoffend given the composition of his social network, (*see* Dkt. No.
 11 71 at 1), the need to protect the public from crimes also weighs in favor of continued
 12 supervision. Lastly, early termination or any modifications at this stage would likely contribute
 13 to disparity among similarly situated defendants.

14 Accordingly, the Court DENIES Mr. Knapinski’s motion for early termination or, in the
 15 alternative, a reduction in the term of his supervised release (Dkt. No. 60). For the same reasons,
 16 the Court further declines to modify the conditions of Mr. Knapinski’s supervised release or
 17 terminate them *carte blanche*. However, the Court encourages Mr. Knapinski to discuss
 18 modification of conditions with Probation on a case-by-case basis, per the Government’s
 19 concession. (*See* Dkt. No. 72 at 3.)

20 **B. Motion to Seal**

21 Mr. Knapinski seeks to file Exhibits B and C to his motion under seal “because these
 22 exhibits contain information that should not be made available to the public.” (*See* Dkt. No. 61 at
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24
 25 ² Moreover, the final guideline range of 37 to 46 months incorporated the 3-level downward
 26 variance Defendant received for submitting to a psychosexual evaluation and polygraph. (*See*
 Dkt. No. 37 at 1.) Defendant’s original guideline range, without the downward variance, would
 have been 51 to 63 months, or around four to five years. (*See id.*)

1 1.) The Government does not oppose. (*See id.*)

2 The First Amendment protects the public's right of access to criminal trials. *See, e.g.,*
3 *Globe Newspaper Co. v. Super. Ct. for Norfolk Cnty.*, 457 U.S. 596, 606 (1982). The public also
4 has a common law right to inspect and copy public records, including those from judicial
5 proceedings. *See Nixon v. Warner Commc'ns*, 435 U.S. 589, 597 (1978). But these rights are not
6 absolute. They must yield when (1) sealing a document serves a compelling interest, (2) that is
7 substantially likely to be harmed if the document is not sealed, and (3) there are no less
8 restrictive alternatives for protecting the interest. *See United States v. Doe*, 870 F.3d 991, 998
9 (9th Cir. 2017).

10 The Court has reviewed the documents at issue and finds that sealing them would serve a
11 compelling interest in protecting Mr. Knapinski's private medical information. In fact, the
12 exhibits Mr. Knapinski seeks to seal are specifically contemplated under the Local Criminal
13 Rules. *See* CrR 49.1(d)(6) (authorizing sealing of "psychological or psychiatric reports").
14 Accordingly, the Court GRANTS Mr. Knapinski's motion to seal (Dkt. No. 61).

15 **III. CONCLUSION**

16 For the foregoing reasons, the Court DENIES Mr. Knapinski's motion for early
17 termination of supervised release (Dkt. No. 60) and GRANTS his motion to seal (Dkt. No. 61).
18 The Clerk is DIRECTED to maintain Docket Numbers 68 and 69 under seal.

19 DATED this 19th day of September 2024

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23 John C. Coughenour
24 UNITED STATES DISTRICT JUDGE
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